

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CORNERSTONE MEDICAL, INC.,)
)
Plaintiff,) Case No. 5:02-cv-138
)
v.)
)
SMITH & NEPHEW ENDOSCOPY,) **ORDER**
)
Defendant.)
)

By order entered June 13, 2005, this court excluded plaintiff's expert witness, because of plaintiff's failure to serve an expert witness disclosure complying with Fed. R. Civ. P. 26(a)(2) within the time allowed by Judge McKeague's amended case management order. Plaintiff has filed a motion for reconsideration. Under Local Civil Rule 7.4(a), motions for reconsideration which merely present the same issues ruled upon by the court will not be granted. In order to be entitled to reconsideration, a movant must demonstrate a palpable defect by which the court was misled and show that a different disposition of the matter must result from a correction thereof. *Id.*; *see Aero-Motive Co. v. Great Am. Ins. Co.*, 302 F. Supp. 2d 738, 740 (W.D. Mich. 2003). Plaintiff has failed to satisfy this standard. It has not pointed out any error in the court's factual findings or its application of the preclusion standard set forth in Fed. R. Civ. P. 37(c)(1). Rather, plaintiff has merely reiterated the same arguments raised and rejected at the motion hearing. Accordingly:

IT IS ORDERED that plaintiff's motion for reconsideration (docket # 126) be and hereby is DENIED.

DONE AND ORDERED this 29th day of July, 2005.

/s/ Joseph G. Scoville
United States Magistrate Judge